

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

PATRICIA HOLMES,	:
Plaintiff,	Case No. 4:21-cv-01683-MWB
v.	:
AMERICAN HOME	:
PATIENT/LINCARE,	:
Defendant.	:

**DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56 and Local Rule of Civil Procedure 56.1, Defendant, American Home Patient, Inc. (“AHOM”) (incorrectly identified in the caption as American Home Patient/Lincare),<sup>1</sup> moves for entry of an Order granting it summary judgment on all claims asserted by Plaintiff.

In this action, Plaintiff, Patricia Holmes, asserts claims under 42 U.S.C. § 1981 arising out of her employment with AHOM. She claims that she

---

<sup>1</sup> AHOM is a wholly owned subsidiary of Lincare Holdings Inc. Lincare Inc. also is a wholly owned subsidiary of Lincare Holdings Inc. Both AHOM and Lincare Inc. filed an Answer to the Complaint because of the “Defendant” was identified by these two different names. Lincare Inc. did not employ Plaintiff, and the Complaint failed to make any factual allegations in the Complaint related to either a single employer or joint employer theory.

was subjected to a hostile work environment and targeted for retaliation after she made an internal complaint. She also claims that she was constructively discharged.

Plaintiff's claims fail as a matter of law, and there is no material factual dispute that prevents entry of an order granting summary judgment in favor of Defendant. AHOM is submitting contemporaneously with this Motion a proposed Order and a Statement of Material Facts and the portions of the record that support its Statement. AHOM shall submit its supporting brief in accordance with Local Rule 7.5.

WHEREFORE, AHOM requests that judgment be entered in its favor and against Plaintiff, that the Court grant summary judgment in favor of Defendant, and dismiss Plaintiff's Complaint in its entirety, with prejudice.

Respectfully submitted,

CULHANE MEADOWS, PLLC

*s/ Jo Bennett*

---

Jo Bennett (Pa. ID No. 78333)  
40 W. Evergreen Ave., Suite 101  
Philadelphia, PA 19118  
Telephone: (215) 880-0084  
Facsimile: (215) 248-2381

*Counsel for Defendant*

Dated: February 18, 2023

**CERTIFICATION OF NON-CONCURRENCE**

I, Jo Bennett, certify that Plaintiff, Patricia Holmes, does not concur in Defendant's Motion for Summary Judgment.

*s/ Jo Bennett*

Jo Bennett

Dated: February 18, 2023